

# House Amendment 8196

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1 1 Amend House File 2627 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 99G.9, subsection 3, paragraph  
1 5 a, Code 2005, is amended to read as follows:  
1 6 a. The type of games to be conducted. The rules  
1 7 shall provide that the name of a game operated on a  
1 8 monitor vending machine as described in section  
1 9 99G.30A shall not be the same as a gambling game  
1 10 authorized for use pursuant to chapter 99F. The board  
1 11 shall only authorize for use any type of lottery game  
1 12 and manner of playing that game that was authorized  
1 13 for use in this state as of July 1, 2006.  
1 14 Sec. 2. Section 99G.9, Code 2005, is amended by  
1 15 adding the following new subsection:  
1 16 NEW SUBSECTION. 4A. To establish a process to  
1 17 allow a person to be voluntarily excluded for life  
1 18 from purchasing a lottery ticket or share for lottery  
1 19 games authorized by this chapter. The process  
1 20 established shall require that the authority  
1 21 disseminate information regarding persons voluntarily  
1 22 excluded to all retailers under this chapter and, if  
1 23 applicable, to licensees under chapters 99D and 99F.  
1 24 The state, the authority, retailers under this  
1 25 chapter, and, if applicable, any licensee under  
1 26 chapter 99D or 99F shall not be liable to any person  
1 27 for any claim which may arise from this process. In  
1 28 addition to any other penalty provided by law, any  
1 29 money or thing of value that has been obtained by, or  
1 30 is owed to, a voluntarily excluded person by the  
1 31 authority as a result of playing any lottery game by  
1 32 the person after the person has been voluntarily  
1 33 excluded shall not be paid to the person but shall be  
1 34 deposited into the gambling treatment fund created in  
1 35 section 135.150. The authority shall coordinate with  
1 36 the racing and gaming commission to establish a  
1 37 unified process for allowing persons to be excluded  
1 38 for life under this chapter and chapters 99D and 99F,  
1 39 and to establish a statewide database of persons  
1 40 excluded under this process and those excluded under  
1 41 the process for racetrack enclosures and all other  
1 42 licensed facilities under chapters 99D and 99F.  
1 43 Sec. 3. Section 99G.30, subsection 4, Code 2005,  
1 44 is amended to read as follows:  
1 45 4. Except for the authority, a retailer shall only  
1 46 sell lottery products on the licensed premises and not  
1 47 through the mail or by technological means except as  
1 48 the authority may provide or authorize and subject to  
1 49 the requirements of section 99G.30A.  
1 50 Sec. 4. Section 99G.30, Code 2005, is amended by  
2 1 adding the following new subsection:  
2 2 NEW SUBSECTION. 8. Lottery products or shares  
2 3 shall only be sold by a person at least eighteen years  
2 4 of age.  
2 5 Sec. 5. NEW SECTION. 99G.30A MONITOR VENDING  
2 6 MACHINES == RESTRICTIONS.  
2 7 1. It shall be lawful for a retailer to sell  
2 8 lottery products or tickets by means of a monitor  
2 9 vending machine pursuant to the requirements of the  
2 10 authority, but only if all of the following conditions  
2 11 are met:  
2 12 a. A monitor vending machine shall only be  
2 13 permitted or offered for use by a retailer in any  
2 14 single location or premises for which a class "A",  
2 15 class "B", class "C", special class "C", or class "D"  
2 16 liquor control license or class "B" or class "C" beer  
2 17 permit has been issued pursuant to chapter 123 and the  
2 18 majority of sales for that retailer are not from food.  
2 19 b. A monitor vending machine shall not be located  
2 20 on the premises of a retailer within twenty feet of an  
2 21 automated teller machine.  
2 22 c. A retailer may locate no more than one monitor  
2 23 vending machine at the retailer's premises and the  
2 24 monitor vending machine shall be located in an area in

2 25 which a permanent physical barrier, as approved by the  
2 26 authority, restricts access to the monitor vending  
2 27 machine.

2 28 d. The authority shall not advertise or promote  
2 29 the availability of monitor vending machines to the  
2 30 public. In addition, a person or retailer shall not  
2 31 advertise or promote the availability of a monitor  
2 32 vending machine to the public as anything other than a  
2 33 monitor vending machine dispensing lottery products or  
2 34 tickets pursuant to rules adopted by the authority.

2 35 e. A monitor vending machine offered to the public  
2 36 shall be designed so as to be inaudible and with a  
2 37 blank video monitor screen until the machine is  
2 38 activated by a player. To activate a machine, a  
2 39 player shall be required to obtain a code or similar  
2 40 activating device from the retailer each time a player  
2 41 wishes to activate and play a machine. In addition,  
2 42 each machine shall be designed to require each player  
2 43 to affirmatively respond to questions on the machine  
2 44 as determined by the authority prior to playing the  
2 45 machine. The questions shall require responses  
2 46 related to the minimum age required to play the  
2 47 machine, the consequences if a person excluded from  
2 48 purchasing lottery products plays the machine, and the  
2 49 availability of gambling treatment programs.

2 50 f. The minimum cost for a person to activate and  
3 1 play a game on a monitor vending machine shall be no  
3 2 less than one dollar.

3 3 g. A retailer with a monitor vending machine shall  
3 4 make brochures concerning available gambling treatment  
3 5 information readily available to players of the  
3 6 machine.

3 7 h. A retailer offering a monitor vending machine  
3 8 to the public shall require that all employees  
3 9 authorized to provide the code or similar activating  
3 10 device to persons prior to activating and playing a  
3 11 monitor vending machine shall be at least eighteen  
3 12 years of age.

3 13 i. The number of monitor vending machines  
3 14 authorized by the authority and offered to the public  
3 15 shall not exceed the number of monitor vending  
3 16 machines that had been authorized and either located  
3 17 on the licensed premises of a retailer or ordered by a  
3 18 retailer from an authorized manufacturer as of January  
3 19 7, 2006.

3 20 j. A monitor vending machine shall not be located  
3 21 on the premises of a retailer that is within twenty  
3 22 miles of a facility to which a license to conduct  
3 23 gambling games has been granted under chapter 99F.

3 24 2. For purposes of this section, "monitor vending  
3 25 machine" means a machine or other similar electronic  
3 26 device that includes a video monitor and audio  
3 27 capabilities that dispenses to a purchaser lottery  
3 28 tickets that have been determined to be winning or  
3 29 losing tickets by a predetermined pool drawing machine  
3 30 prior to the dispensing of the tickets.

3 31 Sec. 6. NEW SECTION. 99G.30B AGE RESTRICTIONS ==  
3 32 PENALTIES.

3 33 1. A person under the age of twenty-one years  
3 34 shall not purchase or attempt to purchase a lottery  
3 35 ticket or share. A person who violates this  
3 36 subsection commits a scheduled violation under section  
3 37 805.8C, subsection 5.

3 38 2. If any retailer, or employee of a retailer, is  
3 39 convicted or found in violation of section 99G.30,  
3 40 subsection 3, the authority shall, in addition to  
3 41 criminal penalties fixed for violation of that  
3 42 subsection, assess a civil penalty as follows:

3 43 a. A first violation shall subject the retailer to  
3 44 a civil penalty in the amount of five hundred dollars.

3 45 b. A second violation within two years shall  
3 46 subject the retailer to a thirty-day suspension of the  
3 47 retailer's license and a civil penalty in the amount  
3 48 of one thousand five hundred dollars.

3 49 c. A third violation within three years shall  
3 50 subject the retailer to a sixty-day suspension of the  
4 1 retailer's license and a civil penalty in the amount  
4 2 of one thousand five hundred dollars.

4 3 d. A fourth violation within three years shall  
4 4 result in revocation of the retailer's license.

4 5 e. For purposes of this subsection:

4 6 (1) The date of any violation shall be used in  
4 7 determining the period between violations.  
4 8 (2) Suspension shall be limited to the specific  
4 9 license for the premises found in violation.  
4 10 Sec. 7. Section 99G.33, Code 2005, is amended to  
4 11 read as follows:  
4 12 99G.33 LAW ENFORCEMENT INVESTIGATIONS.  
4 13 The department of public safety, division of  
4 14 criminal investigation, shall be the primary state  
4 15 agency responsible for investigating criminal  
4 16 violations under this chapter. The chief executive  
4 17 officer shall contract with the department of public  
4 18 safety for investigative services, including the  
4 19 employment of special agents and support personnel,  
4 20 and procurement of necessary equipment to carry out  
4 21 the responsibilities of the division of criminal  
4 22 investigation under the terms of the contract and this  
4 23 chapter. The contract shall provide, at a minimum,  
4 24 for random checks of retailers at all hours for  
4 25 compliance with the provisions of this chapter,  
4 26 especially as it relates to the purchase of lottery  
4 27 products or access to monitor vending machines by a  
4 28 person who has not reached the age of twenty-one.  
4 29 Sec. 8. Section 99G.39, subsection 1, paragraph a,  
4 30 Code 2005, is amended to read as follows:  
4 31 a. An amount equal to one-half of one percent of  
4 32 the gross lottery revenue for the year shall be  
4 33 deposited in the gambling treatment fund created in  
4 34 section 135.150. However, an amount equal to one  
4 35 percent of the gross lottery revenue for the year  
4 36 derived from monitor vending machines shall be  
4 37 deposited in the gambling treatment fund created in  
4 38 section 135.150.  
4 39 Sec. 9. Section 805.8C, subsection 5, Code  
4 40 Supplement 2005, is amended to read as follows:  
4 41 5. GAMBLING VIOLATIONS. For violations of legal  
4 42 age for gambling wagering under section 99D.11,  
4 43 subsection 7, section 99F.9, subsection 5, section  
4 44 99G.30B, subsection 1, and section 725.19, subsection  
4 45 1, the scheduled fine is five hundred dollars.  
4 46 Failure to pay the fine by a person under the age of  
4 47 eighteen shall not result in the person being detained  
4 48 in a secure facility.  
4 49 Sec. 10. MONITOR VENDING MACHINES == TRANSITION  
4 50 PROVISIONS. The provisions of section 99G.30A,  
5 1 subsection 1, paragraphs "a", "b", "c", "e", "f", and  
5 2 "h", shall not apply to monitor vending machines  
5 3 authorized and either located on the premises of a  
5 4 retailer or ordered by a retailer from an authorized  
5 5 manufacturer of monitor vending machines by January 7,  
5 6 2006, until July 1, 2007.>  
5 7 #2. Title page, by striking lines 1 and 2 and  
5 8 inserting the following: <An Act concerning the Iowa  
5 9 lottery, including provisions on authorized lottery  
5 10 games and machines, and providing penalties.>  
5 11 #3. By renumbering as necessary.  
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5 15 WISE of Lee  
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5 19 QUIRK of Chickasaw  
5 20 HF 2627.510 81  
5 21 ec/je/4029